



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

DAVID SAMSON
Attorney General
RENI ERDOS
Acting Director

October 7, 2002

Mailing Address:

P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

By Certified and Regular Mail

Joseph T. DeRosa, P.T.
421 Jackson Avenue
Northfield, New Jersey 08232

Re: In the matter of D. R.
Modified Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. DeRosa:

This letter is to advise you that the New Jersey State Board of Physical Therapy (the "Board") has had an opportunity to review information and your testimony at a March 12, 2002 investigative inquiry concerning the physical therapy services given to D. R.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(e) and N.J.A.C. 13:39A-3.1 et. seq. The referral letter from the chiropractic physician, dated September 25, 2000 included the "knee L, L+C radiculitis and the subluxation C and L spine." The initial evaluation that you prepared on September 25, 2000 on patient DR was inappropriate as you evaluated the gait and the knee but never evaluated the neck and back. Your testimony and the patient record indicated that the neck and back were not evaluated until October 27, 2000 where an entry is found indicating "cervical rom C-S." Furthermore, it was inappropriate for you to treat the knee as the referral from a chiropractor is limited to the spinal component. This conduct constitutes professional misconduct and a violation of N.J.S.A. 45:1-21(e).

A review of the re-evaluations performed on patient DR, dated October 27, 2000 and December 1, 2000, indicated that the goals and the plan of care that were established for patient DR remained the same as the goals and plan of care that were initially developed on September 25, 2000. Although the patient record provides that the patient improved, the goals and the plan of care were never modified to reflect the improvement. Furthermore, the documentation in the patient record is sketchy and sometimes nonexistent. For example, you testified that you provided the patient with passive and active range of motion on September 25, 2000, however, the patient record was not documented to reflect the activities that constituted this treatment. The record also

did not contain a discharge summary. These omissions constituted various violations of N.J.A.C. 13: 39A-3.1(c) 3, 5, 8, and 10.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. cease and desist from providing physical therapy services to a patient which are beyond the authority of the scope of practice of a prescribing physician.

2. the issuance of a formal reprimand.

3. pay a penalty in the amount of \$5000 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter) This amount constitutes a penalty of \$2500 for violation of N.J.S.A. 45:1-21(e) and \$2500 for violations of N.J.A.C. 13:39A-3.1(c) 3, 5,8 and 10. Payment of the full amount of the penalty and the costs enumerated below shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the attention of Susan Gartland, Executive Director, New Jersey State Board of Physical Therapy, P.O. Box 45014, Newark, New Jersey, 07101.

4. pay costs incurred by the Board in the amount of \$666.00 for the costs of the transcripts.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's

Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY

By: Susan H. Gartland
Susan Gartland
Executive Director

ACKNOWLEDGMENT: I, Joseph T. DeRosa, P.T., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been ^{Alleged} charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$5000 (to be paid upon signing of this acknowledgment), and costs in the amount of \$666.00.

Joseph T. DeRosa P.T.
Joseph T. DeRosa, P.T.

Dated: 12/26/02

cc: Carmen A. Rodriguez, Deputy Attorney General
Thomas J. Tamburelli, Esquire